State of Jaipur in 1943 and of the Government Advisory Council for Industries Rajasthan. He also served as a Senator of Agra and Rajputana Universities. He was Chairman of the Board of Directors of the Bank of Jaipur Limited and was President of the Rajasthan Chamber of Commerce and Industries.

Shri Podar started his legislative career as a Member of the Bombay Legislative Assembly from 1946 to 1952. He represented the State of Rajasthan in this House from April, 1952 to April, 1954

We deeply mourn the passing away of Shri G.C. Bhattacharya, Shri Banamali Babu and Shri Ramnath Anandilal Podar. I request Members to rise in their places and observe silence as a mark of respect to the memory of the departed.

(Hon. Members then stood in silence for one minute.)

MR. CHAIRMAN: Secretary-General will convey to the members of the bereaved families our sense of profound sorrow and dep sympathy.

REFERENCE RE. TRAIN ACCIDENT AT KHANNA IN PUNJAB

MR. CHAIRMAN: Hon. Members, it is with utmost grief and sorrow that I refer to the ghastly train accident at Khanna in Punjab when a speeding Jammu_Sealdah Express rammed into the derailed bogies of the Mumbai-Amritsar Frontier Mail in the early hours of 26th November, 1998 killing over 200 persons and leaving hundreads of others injured in the accident. In this hour of tragedy we extend our heartfelt condolences to the affectd families and also pray for the early recovery of those who have been injured. I request hon. Members to rise in their places and observe silence as a mark of respect to the memory of those who lost their lives in the tragedy.

[Hon. Members then stood in silence for one minute]

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*1. [The questioner (Shri Dilip Singh Judev) was absent. for answer, vide col. 39 in fra.]

ORAL ANSWERS TO QUESTIONS

Amendment to Trade and Merchandise Marks Act, 1958

*2. SHRI V.N. GADGIL: Will the Minister of INDUSTRY be pleased to state:

(a) whether Government have received any representation for amending Section 34 of the Trade and Merchandise Marks Act, 1958 by eliminating the discretion altogether conferred by the words 'bonafide' in Section 34; and

(b) if so, whether Government propose to amend Section 34 of the Act, as suggested in the representation?

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) Yes, Sir.

(b) There is no proposal at this stage to amend Section 34 of the Trade and Merchandise Marks Act as the exopression "bona fide" in Section 34 of the Trade and Merchandise Marks Act acts as a balancing lever between rival claims of the Registered Proprietor and honest user of one's name or one's predecessor's business name. The proposed amendment to Section 34 may extend rights available under the Act to the "unregistered trade marks" which will not only go against the preamble of the Act but would lead to trafficking in trade marks.

SHRI V.N. GADGIL: Sir, at the first blush, what is stated in the answer is correct, that the amendment would lead to trafficking in trade marks. Would the Minister refer the matter to the law Ministry to find out whether this statement is legally correct?

SHRI SIKANDER BAKHT: I could not hear the full question. But we have not contemplated anything of this order. We have given full explanation as to why it is that we do not want this *word bona* fide to be deleted. Section 34 of the Act protects the interest of the honest user better. To delete it would amount to giving a similar status to registered and unregistered trade marks. Thus this would not be in public interest. It would also not be in conformity with the objective of the Act as stated in the preamble.

SHRI V.N. GADGIL: I am contesting that. A deeper study would show that thi-

apprehension is baseless. There are a number of conflicting judgments of various courts here and abroad. Therefore, this amendment is necessary. The new parliamentary bulletin says that the Government is proposing to replace this Act with a new Bill. At that time would you consider this amendment?

SHRI SIKANDER BAKHT: Yes, the Parliament is contemplating to bring an amended Bill on the subject of trade marks. But as you say, we will definitely consider it.

Industrial recession

*3. SHRIMATI VENNA VERMA†
SHRI AKHILESH DAS:

Will the Minister of INDUSTRY be pleased to state:

(a) whether it is a fact that industry has been hit by the severest ever recession this year;

(b) if so, the extent of recession faced by each sector of industry indicating the idle capacity lying with each sector like textiles, cement, steel and others; and

(c) the steps, so far, taken to rid the industry of the paralysis and revive it to atleast 8-9 per cent growth in the second quarter as contemplated?

THE MINISTER OF INDUSTRY (SHRI SIKANDER BAKHT): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) and (b) The Industrial growth was lowest during 1990s in 1991-92 being 0.6% followed by 1992-93 being 2.3%. The industrial growth during April-September, 1998 is 3.6%. The overall industrial performance since 1990-91 is given below:

Year	Index of Industrial Production* (Growth in%)
1990-91	8.3
1991-92	0.6
1992-93	2.3
1993-94	6.0
1994-95	8.4
1995-96	12.7
1996-97	5.6
1997-98	6.6
1998-99(Apr-Sep)	3.6

†The question was actually asked on the floor of the House by Shrimati Veena Verma.

*Index of Industrial Production upto 1993-94 is on Base year (1980-81=100) and after 1993-94 is on the new base (1993-94=100).

Capacity utilisation in the case of some of the sectors as mentioned in the question are as follows:

(Capacity utilisation in%)	1995-96	1996-97	1997-98
-Textiles			
Spinning	86	86	85
Weaving	52	52	52
—Cement	81	82	81
—Crude Liquid Steel	76	75	76
—Automobiles			
4 Wheelers	74	74	54
2 & 3 Wheelers	80	76	72

(c) The Government is aware of the slowdown in the industrial growth. Various measures have been initiated during the Budget 1998-99 and thereafter to stimulate and revive industrial growth. Important amongst them are:

- de-licensing of coal and lignite, petroleum refining and sugar to attract larger inflow of capital.
- increase in limit for investment by NRIs.
- rationalisation of tariff structure by introducing 4% special additional duty of customs to remove disadvantages faced by the domestic industry.
- 35% increase in Plan outlay for infrastructure industries.
- special package announced for revival of growth in exports which constitute a significant share of manufactured goods.
- The Government has recently allowed buy back of shares and inter-corporate loans to boost investment and revive the capital market.
- to give an immediate boost to industrial activity, the busy season credit policy announced by RBI has avoided raising interest rates.
- counter guarantees given by Government to three major fast track power projects expected to create demand for basic and other goods.